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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2815/2021

SAURAV GUPTA Petitioner
Through: Ms. Kanhaiya Singhal, Advocate.

Versus

CGST (DELHI EAST) Respondent
Through: Mr. Harpreet Singh, Sr. Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

% **ORDER**
02.08.2021

CRL.M.A. Nos. 11982-11983/2021 (Exemption)

1. The present applications have been filed under Section 482 Cr.P.C. on behalf of the applicant seeking exemption from filing the certified copy of the annexures and duly affirmed affidavits.
2. Insofar as the filing of the certified copy of the annexures is concerned, the same is allowed subject to just exceptions.
3. So far as the filing of duly affirmed affidavits is concerned, the same is also allowed, subject to the applicant filing the same within a period of two weeks from resumption of physical Courts.
4. The applications stand disposed of.

BAIL APPLN. 2815/2021

1. The present application has been filed under Section 438 Cr.P.C. on behalf of the applicant seeking anticipatory bail in File No.

IV(HQRS.PREV.)12/INQ/SUBH/1052/2020/PART/SAURABH registered under Section 132(1)(b) of the CGST Act, 2017.

2. Issue notice. Mr. Harpreet Singh, learned Senior Standing Counsel for the respondent accepts notice and seeks some time to file a short Reply/Response. He, on instructions, further submits that the total liability in the present case is to the tune of Rs.56 crores. He, on instructions, further submits that an amount of Rs.30 lacs is lying deposited in the bank account of the applicant. The account has been frozen.

3. Mr. Kanhaiya Singhal, learned counsel for the applicant, though disputes the amount of liability, however submits that in order to show his bona fide and without prejudice to his rights and contentions, the applicant undertakes to deposit the 10% of the liability amount with the respondent, after deducting the aforesaid amount of Rs.30 lacs, in terms of the order dated 06.08.2019 passed by the Supreme Court in the case of C. Pradeep v. The Commissioner of GST and Central Excise, Selam & Anr. in Special Leave to Appeal (Crl.) 6834/2019 in the following manner:

- (i) The first instalment of Rs.2 crores shall be deposited by the applicant on or before 16th August, 2021.
- (ii) The second instalment of Rs.2 crores shall be deposited by the applicant on or before 5th September, 2021.
- (iii) The balance amount of Rs.1.30 crores shall be deposited by the applicant on or before 20th September, 2021.

4. The applicant's undertaking is taken on the record and he is made bound by the same. An affidavit to this effect shall also be placed on record within one week.

5. Subject to the aforesaid deposit of amounts, joining of investigation as and when called to do so and cooperating in the same, no coercive steps be taken against the applicant till the next date of hearing.

6. Re-notify on 23.09.2021.

7. It is made clear that in case the applicant renege on the undertaking given by him in Court today and fails to deposit the instalments in the aforementioned manner, the interim protection granted to him shall stand recalled automatically.

MANOJ KUMAR OHRI, J

AUGUST 02, 2021

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Click here to check corrigendum, if any